

Message Text

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ACTION L-03

INFO OCT-01 AF-10 IO-13 ISO-00 DHA-02 AID-05 CIAE-00
DODE-00 PM-05 H-01 INR-07 NSAE-00 NSC-05 PA-01
PRS-01 SP-02 SS-15 USIA-06 /077 W
-----126220 061435Z /50

R 051525Z AUG 77
FM AMCONSUL CAPE TOWN
TO SECSTATE WASHDC 6361
INFO AMCONSUL DURBAN
USMISSION GENEVA
AMCONSUL JOHANNESBURG
AMEMBASSY PRETORIA
USMISSION USUN

C O N F I D E N T I A L CAPE TOWN 1174

E.O. 11652: GDS
TAGS: PINS, PINT, SHUM, SF
SUBJ: VAN ROOYEN COMMISSION REPORT

REF: (A) STATE 180967 (NOTAL);
(B) PRETORIA 3290 (NOTAL);
(C) STATE 145099

SUMMARY: DISCUSSIONS WITH LEADING ATTORNEYS AND OTHERS HERE
REVEAL ONLY LIMITED AWARENESS OF IMPLICATIONS OF VAN ROOYEN
COMMISSION REPORT AND, TO DATE, LITTLE DIRECT EFFORT TO
DISCOURAGE ADOPTION ITS PROPOSALS. END SUMMARY

1. DISCUSSION WITH LEADING ATTORNEYS, INSTITUTE OF RACE
RELATIONS (IRR) OFFICIALS AND OTHERS HERE REVEAL ONLY
LIMITED AWARENESS OF VAN ROOYEN COMMISSION REPORT (PARA 6
REFTEL). IRR NATIONAL VICE PRESIDENT MIKE SAVAGE WAS
ONLY VAGUELY AWARE ITS EXISTENCE AND ASKED FOR COPY OUR
TRANSLATION OF PERTINENT PARAGRAPHS SAYING IT WAS "SORT
OF THING IRR SHOULD BE CONCERNED ABOUT." CAPE DIRECTOR
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OF CI THEO KOTZE TOLD US HE UNAWARE OF ANY PUBLIC STATE-
MENT OTHER THAN BRIEF CI STATEMENT PRINTED JUNE ISSUE OF
"ZPRO VERITATE" (WHICH ISSUE WAS DECLARED "UNDESIRABLE" BY
NOTICE IN GOVERNMENT GAZETTE OF JULY 15). COPY OF CI STATEMENT
BEING FORWARDED TO DEPT. SACC HAS NOT TO DATE
ISSUED STATEMENT ON MATTER. ATTORNEYS DALLAS AND
RICHMAN ALSO VAGUELY AWARE OF REPORT BUT BEYOND STATEMENT

ISSUED BY CI WERE UNAWARE ANY OTHER EFFORTS TO COMBAT IT.

2. ATTORNEY ABDULAH OMAR SAID ONLY SURPRISE WAS THAT SAG HAD NOT CTED BEFORE NOW. HE SAID IF RECOMMENDATIONS IMPLEMENTED, HE THINKS THEY WILL BE, RESULT FOR HIS FIRM WILL BE "DISASTROUS", REDUCING HIS EFFECTIVENESS BY 70-80 PER CENT. HE NOTED THAT WITH FUNDS FROM SACC HE HAS BEEN ABLE TO HIRE SEVERAL ASSISTANTS THUS MAKING POSSIBLE DEFENSE OF NUMBERS OF PEOPLE ACCUSED OF INVOLVEMENT IN LAST YEAR'S RIOTS, NOT ONLY CAPE TOWN BUT IN TOWNS SUCH AS OUDSHOORN, MOSSEL BAY, GEORGE, ETC. OMAR SAID EFFECT ON MORALE OF PEOPLE IN THOSE AREAS HAS BEEN SUBSTANTIAL. WITHOUT SACC FUNDS HE WOULD NOT RPT NOT BE ABLE CARRY ON SUCH ACTIVITY.

3. LACK OF REACTION TO DATE APPARENTLY DUE TO FACT THAT COMMISSION REPORT WAS NOT DEBATED IN PARLIAMENT, DID NOT RECEIVE EXTENSIVE PRESS TREATMENT AND TO DATE IS UNAVAILABLE IN ENGLISH. INTERESTED PARTIES CERTAINLY LIKELY TO MAKE MORE VIGOROUS EFFORTS IF AND WHEN SAG MOVES TO IMPLEMENT RECOMMENDATIONS. PUBLICATION OF REPORT IN ENGLISH AND/OR OUR OWN INQUIRIES MAY STIMULATE SOME EFFORTS BEFORE THEN.

4. ASSUME EMBASSY WILL PROVIDE DETAILED REPLY TO
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INQUIRY ON EFFECT OF NEW CRIMINAL PROCEDURES ACT (PARA 7 REFTEL) BUT WOULD NOTE PARENTHETICALLY ONE EFFECT WHICH HAS ALREADY BEEN BROUGHT TO OUR ATTENTION. IN RECENT TRIALS IN MALMESBURY OF FOUR TOWNSHIP RESIDENTS (MEMBERS OF THE SO-CALLED "COMRADES,") ON CHARGES OF BURNING FIVE SCHOOLS EARLY THIS YEAR, SAG MADE USE OF PROVISION IN NEW BILL ALLOWING MAGISTRATE TO PROHIBIT OR RESTRICT PUBLIC ATTENDANCE AT TRIALS INVOLVING JUVENILES (PERSONS UNDER 18) EITHER AS ACCUSED OR AS WITNESSES. ACCORDING LOCAL ATTORNEY, SAG ENSURED THAT IN EACH TRIAL THERE WAS AT LEAST ONE JUVENILE INVOLVED AND ON THAT BASIS RESTRICTED ATTENDANCE. EFFECT WAS TO BAR FRIENDS OF THE WITNESSES FROM ATTENDING TRIAL, THUS ACCORDING TO ATTORNEY, PROVIDING ATMOSPHERE IN WHICH IT "MUCH EASIER" FOR YOUTHFUL WITNESSES TO TESTIFY AS POLICE AND PROSECUTION DESIRED. WHITE

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Message Attributes

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Control Number: n/a
Copy: SINGLE
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Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
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